

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

LIFE IS GOOD, INC.,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC., and  
LG ELECTRONICS MOBILECOMM  
U.S.A., INC. (formerly LG INFOCOMM  
U.S.A., INC.),

Defendants.

Civil Action No. 04-11290 WGY

Hon. William G. Young

**ASSENTED-TO MOTION FOR LEAVE TO FILE DEFENDANTS' RESPONSE TO  
PLAINTIFF'S LOCAL RULE 56.1 STATEMENT**

Defendants LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A. Inc. move the Court for leave to file Defendants' Response to Plaintiff's Local Rule 56.1 Statement.

Defendants seek to respond to late-produced evidence by Plaintiff purporting to show alleged instances of confusion. On October 13, 2005, during the deposition of Plaintiff's President, and by follow-up letter on October 18, 2005, Defendants' counsel asked Plaintiff to produce documentary evidence of alleged instances of actual confusion. Plaintiff's counsel did not produce the evidence, later alleged in Paragraphs 18-21 of its Local Rule 56.1 Statement, until May 25, 2006, which was seven days before Plaintiff filed its Opposition.

Defendants' Response, attached as Exhibit A, addresses Plaintiff's alleged instances of confusion and the basis for exclusion. A proposed order is attached as Exhibit B.

WHEREFORE, Defendants respectfully request that the Court grant Defendants leave to file a response to Paragraphs 18-21 of Plaintiff's Local Rule 56.1 Statement.

**Local Rule 7.1 Certification**

In accordance with Local Rule 7.1(a)(2), Defendants have conferred with Plaintiff, and Plaintiff stipulated to this motion.

Respectfully submitted,

Date: June 6, 2006

/s/ Timothy A. Lemper

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Counsel for Defendants  
LG Electronics U.S.A., Inc. and  
LG Electronics MobileComm U.S.A., Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 6, 2006.

/s/ Timothy A. Lemper  
Timothy A. Lemper